

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

UNITED STATES SECURITIES AND
EXCHANGE COMMISSION

Plaintiff,

v.

JERRY A. SHANAHAN

Defendant.

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Civ. No. 01:07-00039-SM

**JERRY SHANAHAN’S OBJECTIONS TO
SECURITY AND EXCHANGE COMMISSION’S EXHIBIT LIST**

Defendant Jerry Shanahan submits the following objections to the United States Securities and Exchange Commission’s (“SEC’s”) exhibit list for the jury trial in this matter (attached hereto). These objections do not include exhibits previously listed by the SEC that are related to the Accton transaction. On January 9, 2013, counsel for the SEC notified undersigned counsel that it has decided not to include the Accton transaction as a basis for any of its claims against Mr. Shanahan.

DATED: January 10, 2013

/s/ Andrew Good
Andrew Good

/s/ Philip G. Cormier
Philip G. Cormier

Good & Cormier
83 Atlantic Avenue
Boston, MA 02110
(617) 523-5933

Certificate of Service

I hereby certify that I sent a true copy of the foregoing by electronically mailing it to the following persons:

Nancy J. Gegenheimer

gegenheimern@sec.gov

DATED: January 10, 2013

/s/ Andrew Good
Andrew Good

Shanahan Objections to SEC Exhibits

Exh No.	2/2012 Exh No.	DATE	Description	Shanahan Objections
1			Deleted	
2	2	8/4/1999	Email from Kay Re Minority interests	Rules 401 & 403
3	3	8/9/1999	Email Jim Benard Re Quarter end process	Rules 401 & 403
4	177	8/13/1999	Cabletron Revenue Recognition Summary	Rules 401 & 403
5			Deleted	
6	173	11/8/1999	Software Rev. Recognition Policy	Rules 401 & 403
7	175	11/8/1999	Undated Cabletron Software Revenue Recognition Policy	Rules 401 & 403
8	4	11/24/1999	Email from Rachel Tanguay Re RMA Policy	Rules 401 & 403
9	5	2/29/2000	Cabletron 10-K	Rules 401 & 403
10			Deleted	
11	7	3/29/2000	Silver Lake Partners News Report and March 29, 2000-Q4 Analyst Call	Rules 401 & 403
12	147	3/29/2000	Press Release Re Transformation	Rules 401 & 403
13			Deleted	
14			Deleted	
15			Deleted	
16			Deleted	
17			Deleted	
18			Deleted	
19	237	6/3/2000	Cabletron 10-Q	Rules 401 & 403
20	394	6/28/2000	Cabletron Q1 Analyst Call	Rules 401 & 403
21			Deleted	
22			Deleted	
23	198	5/5/2001	E-mail from J Shanahan Re Master Revenue	Rules 401 & 403
24	238	9/2/2000	Cabletron 10-Q	Rules 401 & 403
25	174	9/15/2000	Cabletron Software Revenue Recognition Policy	Rules 401 & 403
26	14	9/22/2000	Script for Q2 Conference Call	Rules 401 & 403

27			Deleted	
28	399	9/26/2000	Cabletron Q2 Analyst Call	Rules 401 & 403
29			Deleted	
30			Deleted	
31			Deleted	
32	240	12/2/2000	Cabletron 10-Q	Rules 401 & 403
33	21	12/20/2000	Q3 Conference Call Script	Rules 401 & 403
34			Deleted	
35			Deleted	
36			Deleted	
37	224	1/11/2001	Email from Fiallo Re additional revenue to meet target	Rules 401 & 403
38	178	1/30/2001	E-mail from Moya Joosten re: Cabletron Investment Program-Guidelines	Rules 401 & 403
39			Deleted	
40			Deleted	
41	242	3/3/2001	Cabletron 10-K	Rules 401 & 403
42			Deleted	
43			Deleted	
44	396	3/28/2001	Cabletron Q4 FY01 Analyst Call	Rules 401 & 403
45	142	3/30/2001	Email from Shanahan Re Q1/April Forecast	Rules 401 & 403
46			Deleted	
47			Deleted	
48			Deleted	
49			Deleted	
50			DELETED – ACCTON-RELATED	
51			DELETED – ACCTON-RELATED	
52			DELETED – ACCTON-RELATED	
53	N	4/2/2002	Enterasys Press Release	No objections
54			DELETED – ACCTON-RELATED	
55			Deleted	
56			Deleted	
57			DELETED – ACCTON-RELATED	
58			Deleted	

59			Deleted	
60			Deleted	
61			Deleted	
62			Deleted	
63			Deleted	
64			Deleted	
65			Deleted	
66			Deleted	
67			Deleted	
68			Deleted	
69			Deleted	
70			DELETED – ACCTON-RELATED	
71	145	4/30/2001	Email from Tony Hurley Re R&D investments	Rules 401 & 403
72			Deleted	
73			Deleted	
74			Deleted	
75			Deleted	
76			Deleted	
77			Deleted	
78			Deleted	
79			Deleted	
80			Deleted	
81			Deleted	
82			Deleted	
83			Deleted	
84			DELETED – ACCTON-RELATED	
85			DELETED – ACCTON-RELATED	
86			Deleted	
87			DELETED – ACCTON-RELATED	
88			DELETED – ACCTON-RELATED	
89			DELETED – ACCTON-RELATED	
90			DELETED – ACCTON-RELATED	
91			DELETED – ACCTON-RELATED	
92			DELETED – ACCTON-RELATED	

93			DELETED – ACCTON-RELATED	
94			Deleted	
95			DELETED – ACCTON-RELATED	
96			DELETED – ACCTON-RELATED	
97			Deleted	
98			Deleted	
99	244	6/2/2001	Cabletron 10-Q	No objections
100			DELETED – ACCTON-RELATED	
101			Deleted	
102			Deleted	
103			Deleted	
104	153	6/4/2001	Email from Eggemeier Re Investment Plan for Q2	Rules 401 & 403
105			DELETED – ACCTON-RELATED	
106			Deleted	
107			Deleted	
108			Deleted	
109			DELETED – ACCTON-RELATED	
110			Deleted	
111			Deleted	
112			Deleted	
113			Deleted	
114			Deleted	
115			Deleted	
116			Deleted	
117			Deleted	
118	154	6/12/2001	Email from Eggemeier to Shanahan Re Investments	Rules 401 & 403
119			Deleted	
120			Deleted	
121			Deleted	
122			Deleted	
123	45	6/27/2001	Cabletron Q1 FY02 Analyst Call	Rules 401 & 403
124	272	6/27/2001	Cabletron Earnings Release	Rules 401, 403, 801
125			Deleted	

126			DELETED – ACCTON-RELATED	
127			Deleted	
128			DELETED – ACCTON-RELATED	
129	46	7/6/2001	Email from Hurley Re 10-Q	Rules 401 & 403
130			DELETED – ACCTON-RELATED	
131	47	7/10/2001	Conference call transcript	Rules 401 & 403
132			Deleted	
133			Deleted	
134			Deleted	
135	159	7/13/2001	Email from Kay Re Tech Data Recommended Buy	No objections
136	160	7/13/2001	Email from Levenson Re Tech Data Recommended Buy	Rule 401
137	295	7/17/2001	Email from Kay Re Tech Data Recommended Buy	Rule 401
138	161	7/17/2001	Email from Bill Cater Re Tech Data Recommended Buy	No objections
139			Deleted	
140	162	7/18/2001	Email from Kay Re Tech Data Recommended Buy	Rules 401 & 403
141	155	7/19/2001	Email from Shanahan Re Revenue Drive	Rules 401 & 403
142	255	7/21/2001	Email from Sims to Fiallo, Shanahan, Vivier, Workman and Johnston Re Time to Step up the Pace	Rules 401 & 403
143			Deleted	
144			Deleted	
145			Deleted	
146			Deleted	
147			DELETED – ACCTON-RELATED	
148			Deleted	
149	N	8/3/2001	Enterasys Invoice to Tech Data Canada	Rules 401 & 403 for the last two pages
150			Deleted	

151	157	8/8/2001	Email from Gagalis Re Revenue Master File	Rules 401 & 403
152			DELETED – ACCTON-RELATED	
153			Deleted	
154			DELETED – ACCTON-RELATED	
155			DELETED – ACCTON-RELATED	
156			DELETED – ACCTON-RELATED	
157			DELETED – ACCTON-RELATED	
158			Deleted	
159			Deleted	
160			Deleted	
161	164	8/17/2001	Email from Croft Re Tech Data	No objections
162			Deleted	
163	256	8/18/2001	Email from Jaeger to Fiallo, Patel and Gagalis re Bullet Points	Rules 401 & 403
164	329	8/18/2001	Levenson to Kay: cash collection	Rules 401 & 403
165			Deleted	
166			DELETED – ACCTON-RELATED	
167			DELETED – ACCTON-RELATED	
168			Deleted	
169			Deleted	
170			Deleted	
171			Deleted	
172	228	8/22/2001	Email from Fiallo to Patel, Jaeger, Kirkpatrick re Conference Call	Rules 401 & 403
173	297	8/23/2001	Correspondence from Garofolo to Tech Data	No objections
174	60	8/27/2001	Email from Jaeger Re Balance sheet Form 8-K	Rules 401 & 403
175			Deleted	
176			Deleted	
177	298	8/27/2001	Email from Levenson to Dunbar Re Ingram and Tech Data	No objections
178			DELETED – ACCTON-RELATED	
179			Deleted	

180	190	8/27/2001	Email from Kay to Shanahan Re Tech Data	No objections
181			DELETED – ACCTON-RELATED	
182			Deleted	
183			DELETED – ACCTON-RELATED	
184	300	8/29/2001	Correspondence from Benard to Tech Data	No objections
185	301	8/29/2001	Email from Benard to Shanahan Re Tech Data Letter	No objections
186			Deleted	
187	191	8/29/2001	Email from Shanahan to Tech Data Re Confirmation	No objections
188			Deleted	
189			Deleted	
190			Deleted	
191			Deleted	
192			Deleted	
193			Deleted	
194			Deleted	
195			Deleted	
196			Deleted	
197			Deleted	
198			DELETED – ACCTON-RELATED	
199			DELETED – ACCTON-RELATED	
200	271	9/1/2001	Email from Gagalis Re Financial package	Rules 401 & 403
201	347	2/24/2000	Press Release on Silver Lake Investment	Rules 401 & 403
202	307	9/1/2001	KPMG summary of domestic partners	No objections
203	281	9/1/2001	Email from Shanahan Re Investment Team	Rules 401 & 403
204			DELETED – ACCTON-RELATED	
205	270	9/1/2001	Enterasys 10Q, September 2001	Rules 401 & 403
206	245	9/29/2001	Enterasys 10Q(A), September 2001	Rules 401 & 403
207	360	9/1/2001	Investment Minority List	Rules 401 & 403
208			DELETED – ACCTON-RELATED	
209			Deleted	

210			Deleted	
211			Deleted	
212			Deleted	
213			Deleted	
214			Deleted	
215			Deleted	
216	304	9/4/2001	Email from Don Weaver to Joe Guth Re TD Canada PO Terms	No objections
217			DELETED – ACCTON-RELATED	
218	195	9/4/2001	Email from Shanahan Re Partners	Rules 401 & 403
219	305	9/5/2001	Email from Guth Re Preliminary Q2 Channels Returns Reserves Est.	No objections
220			DELETED – ACCTON-RELATED	
221	294	9/6/2001	Email from Levenson Re Tech Data Recommended Buy	No objections
222			Deleted	
223	69	9/7/2001	Email from Shanahan Re Inv. red actions	Rules 401 & 403
224			DELETED – ACCTON-RELATED	
225			DELETED – ACCTON-RELATED	
226			Deleted	
227	70	9/8/2001	Email from KPMG Re Q2 investments	Rules 401 & 403
228			DELETED – ACCTON-RELATED	
229			DELETED – ACCTON-RELATED	
230			DELETED – ACCTON-RELATED	
231			Deleted	
232			DELETED – ACCTON-RELATED	
233	306	9/13/2001	Email from Guth to Kay Re Final Q2 Channels Return Reserves file	No objections
234	169	9/13/2001	Email from Levenson to Kay Re Channel agreements	No objections
235			Deleted	
236			Deleted	
237			Deleted	
238	192	9/17/2001	Email from Levenson Re Channel Agreements	No objections

239			DELETED – ACCTON-RELATED	
240	152	9/26/2001	Analyst reports from Equity Research, Morgan Stanley	Rules 401, 403, 801
241	314	9/26/2001	Enterasys Q2 Results Top Wall Street Estimates article	Rules 401, 403, 801
242	284	9/26/2001	9/01 Cabletron General Ledger Posting	Rules 401 & 403
243	398	9/26/2001	Enterasys Q2 FY02 Analyst Call	Rules 401 & 403
244	384	10/9/2001	Proxy Statement	Rules 401 & 403
245	166	10/11/2001	Email from Fiallo Re 90d terms- Tech Data	No objections
246			Deleted	
247			Deleted	
248			DELETED – ACCTON-RELATED	
249			DELETED – ACCTON-RELATED	
250			Deleted	
251			Deleted	
252			Deleted	
253	235	11/28/2001	Email from Levenson Re TD Recommended Inventory Return	No objections
254			Deleted	
255			Deleted	
256	383	12/8/2001	ADP Master Control Company Options	Rules 401 & 403
257			DELETED – ACCTON-RELATED	
258	149	12/29/2001	Enterasys Form 10-K	Rules 401 & 403
259	380	12/29/2001	KPMG Memo on Process Analysis Documents-US Sales Process	Rules 401 & 403
260			Deleted	
261	382	12/31/2001	ADP records on Shanahan	Rules 401 & 403
262			Deleted	
263			Deleted	
264			Deleted	
265			Deleted	
266			DELETED – ACCTON-RELATED	
267			DELETED – ACCTON-RELATED	

268	171	2/5/2002	Analyst Report from The Wall Street Journal	Rules 403 & 801
269	311	2/5/2002	Article " Enterasys Discloses Account Issues, Delays Earnings	Rules 403 & 801
270	258	2/6/2002	Email from P. Colella to D. Wilson re: Enterasys Memo.	Rules 401 & 403
271	312	2/12/2002	Email from Levenson to Haak Re TD \$3M stockin Order	No objections
272	N	2/1/2002	Enterasys Press Release	Rules 401 & 403
273			Deleted	
274	299	2/28/2002	Correspondence from Collins to Bill Cater	No objections
275	168	2/28/2002	Tech Data Canada letter to Elaine Marks and Larry Collins sending Cater letter from Tech Data	No objections
276			Deleted	
277	185	3/4/2002	Correspondence from Levenson to Tech Data Canada	Rules 401 & 403
278			Deleted	
279			Deleted	
280			Deleted	
281	279	6/1/2002	KPMG Preliminary Draft	Rules 401 & 403
282			DELETED – ACCTON-RELATED	
283			Deleted	
284	357	7/9/2002	Investment Impairment Review	Rules 401, 403, 801
285			DELETED – ACCTON-RELATED	
286	39	11/21/2002	Enterasys Investment Journal Entries	Rules 401 & 403
287			Deleted	
288	N		Shanahan's Separate Statement of Undisputed Facts in Support of His Motion for Summary Judgment	No objections; Accton Section Not Applicable
289	165	4/8/2003	Testimony of Manal Guirguis	Rules 801 & 106
290	385	6/11/2003	Stock Options Exercised	Rule 403
291	386	6/27/2003	Option list	Rule 403
292	387	6/27/2003	Stock Options Granted	Rule 403
293			Deleted	
294			Deleted	

295			Deleted	
296	389	11/26/2006	2001 Cash Compensation on Shanahan	Rule 403
297	388	11/26/2006	Schedule of Stock Option Shanahan	Rule 403
298	143	2/12/2010	Interrogatories of Jerry Shanahan	No objections
299			Deleted	
300	80	5/23/2011	Expert Report of Steve Henning	Rules 401 & 403
301	81	5/24/2011	Steve Henning Declaration	Rules 401, 403, 801
302	151	10/1/2011	Declaration of Bruce Kay	Rule 801
303	150	11/1/2011	Declaration of Susan Levenson	Rule 801; as to par. 8, Rule 106
304	303	12/16/2011	Shanahan declaration	No objections
305	79		Fiallo 302s	Rules 401, 403, 801
306	288		Hurley 302s	Rules 401, 403, 801
307	289		Spence 302s	Rules 401, 403, 801
308			Deleted	
309	N	3/1/2001	Enterasys table of historical prices	Rules 801 & 106

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